

CITY COMMISSION MINUTES

November 18, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, November 18, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Consent Agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **November 4, 2008**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated October 30, 2008, through November 12, 2008, in the amount of \$3,979,155.68.
- c. **Monthly Reports**
 1. Water Department
 2. Rolling Meadows Golf Course
 3. Codes Department
 4. Fire Department/EMS
 5. Police Department
 6. Personnel
 7. Recreation Department
- d. The consideration and approval of **Ordinance S-3033** annexing land generally located north of I-70 and west of Gunner Road (**Westar Substation Tract**) to the City of Junction City (**Final Reading**).
- e. The consideration and approval of **Ordinance S-3041** requesting the rezone from County Agricultural (A) District to City Light Industrial (IL) District for property known as 00000 E. Ash Street – Section 13, TWP 12, RNG 5 (**Westar Substation**) (**Final Reading**).
- f. The consideration and approval of **Ordinance S-3043** requesting annexation by consent for property generally known as 0000 Elmdale Avenue (East of Elmdale Road; South of Hwy K-57; **Werth**) (**Final Reading**).
- g. The consideration and approval of **Ordinance S-3040** requesting the rezone from County Rural Residential (RR) District to City Service Commercial (CS) District for property known as 00000 Elmdale Avenue or Vacant Land, Section 35, TWP 11, RNG 5 (**Werth**) (**Final Reading**).

- h. The consideration and approval of **Pay Request** by Kaw Valley Engineering for professional services for the Spring Valley and Rucker Road project, in the amount of \$101,091.00.
- i. The consideration and approval of **Pay Request #3** by Kaw Valley Engineering for services through October 26, 2008, for the Spring Valley Road – McFarland Road to Wildcat Lane, in the amount of \$14,850.00.00.
- j. The consideration and approval of **Pay Request #3** by Kaw Valley Engineering for construction management and observation services for the K-18 and Karns Intersection Improvements, in the amount of \$11,563.00. (School will pay \$7,890.33; State will pay \$1,836.33; City will pay \$1,836.33.)
- k. The consideration of update from Manhattan Airport Advisory Board regarding negotiations for additional carriers.
- l. The consideration and approval of **R-2481** authorizing the placement of six (6) street lights by Westar Energy for Michael's Run Addition. Monthly cost to the City for two (2) standard 35 foot wooden poles with 150 watt HPS lamps is \$8.31 per month and four (4) standard 35 foot wooden poles with 100 watt HPS lamps is \$7.80 per month.
- m. The consideration and approval of Requests **for Qualifications/Proposals** for repair of the Municipal Pool in 2009.

CELEBRATIONS

Dan Pfizenmaier briefed the Commission on the history of the Self Help Housing program as well as providing an update on the current status of the program and what the program hopes to achieve in the future to enhance our community.

SPECIAL PRESENTATIONS

- a. Special presentation of Citizenship Awards to Brian Field and Chris Schroeder. Mayor Wunder presented Citizenship Awards to Firefighter Brian Field and Firefighter Chris Schroeder for the assistance they provided to Senator Laura Kelly during a parade in Alta Vista on their off-duty time. Senator Kelly attended the Commission meeting and personally thanked FF Field and FF Schroeder for their assistance and presented each of them with a Senate coin.

PUBLIC HEARINGS

- a. City Manager, Rod Barnes, explained that this was the final action for the Central National Bank expansion of their processing center on Rimrock Drive. There is no financial obligation to the City; the City acts as a conduit only for this matter. Mayor Wunder opened the Public **Hearing** on the Issuance of Taxable Industrial Revenue Bonds, Series 2008, in the amount of \$2,000,000.00 (Rimrock Project). Mr. Barnes read an email from Mr. Thomas Stawski, 120 Rimrock Drive, Junction City, KS stating his opposition to this bond issue and also his concern about traffic control. Mayor Wunder closed the public hearing.

UNFINISHED BUSINESS

- a. The consideration and approval of **Ordinance S-3034** annexing land generally located west of Spring Valley Road and north of Fox Sparrow Court (**Spring Valley Road/Munson Tract**) to the City of Junction City (**Final Reading**). (November 4, 2008, vote was four to one.) Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance S-3034 annexing land generally located west of Spring Valley Road and north of Fox Sparrow Court (Spring Valley Road/Munson Tract) to the City of Junction City (Final Reading). Ayes: Heldstab, Rhodes, Talley, Wunder.. Nays: Taylor. Motion carried four to one.
- b. The consideration and approval of **Ordinance S-3035** annexing land generally located west of Custer Road, North of 18th Street and South of Thompson (**Tract A/Davis/McGuire**) to the City of Junction City (**Final Reading**). (November 4, 2008, vote was three to two.) Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3035 annexing land generally located west of Custer Road, North of 18th Street and South of Thompson (Tract A/Davis/McGuire) to the City of Junction City (Final Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.
- c. The consideration and approval of **Ordinance S-3039** requesting the rezone from County Rural Residential (RR) District to City General Residential (RG) District for property known as 1846 Custer Road (**Tract A/Davis/McGuire**) (**Final Reading**). (November 4, 2008, vote was four to one.) Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3039 requesting the rezone from County Rural Residential (RR) District to City General Residential (RG) District for property known as 1846 Custer Road (Tract A/Davis/McGuire) (Final Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.
- d. The consideration and approval of **Ordinance S-3036** annexing land generally located west of Custer Road, North of 18th Street and South of Thompson (**Tract B/Ehlers**) to the City of Junction City (**Final Reading**). (November 4, 2008, vote was three to two.) Commissioner Heldstab moved, seconded by Commissioner Talley to approve Ordinance S-3036 annexing land generally located west of Custer Road, North of 18th Street and South of Thompson (Tract B/Ehlers) to the City of Junction City (Final Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.
- e. The consideration and approval of **Ordinance S-3037** requesting the rezone from the current County Rural Residential (RR) District to City General Residential (RG) District for property known as 1820 Custer Road (**Tract B/Ehlers**) (**Final Reading**). (November 4, 2008, vote was five to zero.) Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3037 requesting the rezone from the current County Rural Residential (RR) District to City General Residential (RG) District for property known as 1820 Custer Road (Tract B/Ehlers) (Final Reading). Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

NEW BUSINESS

- a. The consideration and approval of **Ordinance G-1043** requiring additional information for permit applications by replacing the existing Section 500.060 with the following to Title IV (Building Permit) (**First Reading**). Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance G-1043 requiring additional information for permit

applications by replacing the existing Section 500.060 with the following to Title IV (Building Permit) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. The consideration and approval of **Ordinance G-1044** requiring the establishment of an escrow to secure the installation of required improvements for new construction by adding new Chapter 506 to Title V (Sod & Tree Requirement) **(First Reading)**. **REMOVED FROM THE AGENDA.**
- c. The consideration and approval of **Ordinance G-1045** requiring any fence additional information for permit applications by replacing the existing section 400.280 with the following to Title IV (Fence) **(First Reading)**. Commissioner Rhodes moved to approve Ordinance G-1045. The motion died for a lack of a second. Commissioner Talley moved, seconded by Commissioner Taylor to table the consideration and approval of Ordinance G-1045 for a revision to the language of the Ordinance. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration and approval of **Request for Closure** of Rest Areas located at mile marker 294 along the east and west sides of I-70. These rest areas are located within City limits and have City water and sewer services. The Commission requested that a letter be sent to KDOT stating that they would like the buildings, all pavement, signs, etc. to be removed so that motorists are fully aware that they cannot stop at this area. City Engineer, Christina Cook, informed the Commission that all removal costs belong to KDOT. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the request for closure of rest areas located at mile marker 294 along the east and west sides of I-70. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of **Notice of Award** to Kaw Valley Engineering for On-Call Construction Management and Observation Services for one year. This agreement is not all inclusive; KDOT, FAA projects and others may require different services and those requirements must be followed in order to receive the funding. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the award to Kaw Valley Engineering for On-Call Construction Management and Observation Services for one year. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration and approval of **Charter Ordinance 37** exempting the City of Junction City from the provisions of the Water Pollution Control Act, and providing substitute and additional provision relating to the establishment, operation, maintenance, improvement, and regulation of sewer systems, including but not limited to, storm and surface water drainage systems and flood protection works, and to the issuance of Bonds for the purpose of paying for the property and improvements necessary for such systems **(First Reading)**. Commissioner Talley moved, seconded by Commissioner Taylor to approve Charter Ordinance 37 exempting the City of Junction City from the provisions of the Water Pollution Control Act and providing substitute and additional provisions relating to the establishment, operation, maintenance, improvement, and regulation of sewer systems, including but not limited to, storm and surface water drainage systems and flood protection works, and to the issuance of Bonds for the purpose of paying for the property and improvements necessary for such systems (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

g. The consideration and approval of the following Neighborhood Revitalization Applications:

1. Charles Littler (Self Help Housing) to build a single family unit at 230 E. 12th Street. Approximate cost is \$125,000.00. Project qualifies for 95% tax rebate for years 1 through 3; 80% tax rebate year 4; 70% tax rebate year 5; 60% tax rebate year 6; 50% tax rebate year 7; 40% tax rebate year 8; 30% tax rebate year 9; and 20% tax rebate year 10. (EDC voted in favor, 7 to 0.) Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Charles Littler (Self Help Housing) to build a single family unit at 230 E. 12th Street at an approximate cost of \$125,000.00 (project qualifies for 10-year tax abatement). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
2. Simon Holt (Self Help Housing) to build a single family unit at 222 E. 16th Street. Approximate cost is \$103,590.00. Project qualifies for 95% tax rebate for years 1 through 3; 80% tax rebate year 4; 70% tax rebate year 5; 60% tax rebate year 6; 50% tax rebate year 7; 40% tax rebate year 8; 30% tax rebate year 9; and 20% tax rebate year 10. (EDC voted in favor, 7 to 0.) Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Simon Holt (Self Help Housing) to build a single family unit at 222 E. 16th Street at an approximate cost of \$103,590.00 (project qualifies for a 10-year tax abatement). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

h. The consideration and approval of **R-2523** and an **Inter-local Agreement** between Junction City, Geary County and USD 475 by the Economic Development Commission for the 15th amended Neighborhood Revitalization Plan. Retail Specialist, Stacy Schulte, informed the Commissioner of the amendment. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve R-2523 and an Inter-local Agreement between Junction City, Geary County and USD 475 by the Economic Development Commission for the 15th amended Neighborhood Revitalization Plan. Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two. Commissioner Talley stated that his concern remains that the person building the apartments and then receiving rent versus the person building a single family dwelling and they both receive the same benefit under the plan.

i. The consideration and approval of **Grounds Equipment Lease Recommendation** for Rolling Meadows Golf Course for a 48 month lease package with Van Wall Equipment (John Deere), with modifications, in the amount of \$124,328.32. Golf Director/Superintendent, John Wimbish, informed the Commission that the current lease expires January 1, 2009. Three bids were received. If the low bid was accepted without any modifications, the amount would be a one percent increase over the current lease. Van Wall Equipment was able to reduce their bid with modifications which resulted in a decrease of 18 percent over the current lease. Modifications were made possible due Van Wall Equipment having the same equipment as the present equipment at the golf course. The golf course would be able to outright purchase two pieces of equipment, reducing the need to add these pieces to the new lease. Also, current accessory pieces would not have to be replaced to fit the equipment offered by the other bidders. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the grounds equipment lease recommendation for Rolling Meadows Golf Course for a 48 month lease package with Van Wall Equipment (John Deere) with modifications in the

amount of \$124,328.32. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- j. The consideration and approval of **Grounds Equipment Lease Purchase** for Rolling Meadows Golf Course for 48 monthly payments to Kansas Golf and Turf, in the amount of \$16,944.00 (\$353.00 per month), for a Lely spreader and a Smith-co three-wheel drive bunker rake. Golf Director/Superintendent, John Wimbish, informed the Commission that three bids were received. Upon the completion of the lease, the golf course would own the spreader and the bunker rake. Kansas Golf and Turf was the low bid and provided equipment that is more suited for the needs of the golf course. Commissioner Talley moved, seconded by Commissioner Taylor to approve the grounds equipment lease purchase for Rolling Meadows Golf Course for 48 monthly payments to Kansas Golf and Turf in the amount of \$16,944.00 (\$353.00 per month) for Lely spreader and a Smith-co three-wheel drive bunker rake. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- k. The consideration and approval to submit **New Five Year Plan for Freeman Field** through the Federal Airport Improvement Program for the federal fiscal year 2010. Brad Waller with HWS Consulting, informed the Commission that this is a 95/5 match, with the City's responsibility being five percent. This action is not for funding; only to apply for the project. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve the submission of the new five year plan for Freeman Field through the Federal Airport Improvement Program for the federal fiscal year 2010. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- l. The consideration and approval to add **Handicap Parking** stalls on the west side of the street in the 600 block of North Jefferson Street. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the addition of handicap parking stalls on the west side of the street in the 600 block of North Jefferson Street. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- m. The consideration and approval to **Approve Project and Award of Contract** to HWS Consulting Group for topographic survey, design phase and project management of the Freeman Field - Runway 18/36 Asphalt Overlay (design only), in an amount not to exceed \$31,040.00. Brad Waller, HWS Consulting, informed the Commissioner that this is a 95/5 split; the City's portion is \$1,552.00. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the project and award of contract to HWS Consulting Group for topographic survey, design phase and project management of the Freeman Field - Runway 18/36 Asphalt Overlay (design only) in an amount not to exceed \$31,040.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- n. The consideration and approval of **Notice of Award** to HWS Consulting Group for Phase 2 of the Deer Creek Drainage Improvements Project, in an amount not to exceed \$19,953.50. **REMOVED FROM THE AGENDA.**
- o. The consideration and approval of **Southwest Wastewater Treatment Plant Electrical Repairs** by Shelley Electric, in an amount not to exceed \$265,473.00. Steve Hoambrecker, Veolia Water, informed the Commission that this project will correct deficiencies at the Southwest Wastewater Treatment Plant. The City has applied for additional funding through the State's revolving loan fund to pay for the repairs. Shelley Electric performed all of the electrical work when the plant was built and knows the electrical system. The

Kansas Department of Health and Environment has approved this project. Commissioner Heldstab moved to approve the project to Shelley Electric. The motion died for a lack of a second. Commissioner Rhodes moved, seconded by Commissioner Talley to table this item until more information can be obtained on the other bidder and for references and recommendations to be researched on the bidders. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- p. The consideration and approval to submit **City Five-Year Plan to KDOT** for federal-aid projects for the City's fiscal years 2009 through 2013. (Projects included are US-77 at Rucker Road Intersection; K-18 and Spring Valley Road; Golden Belt Boulevard; Jackson Street at K-57; East Street; Lacy Road at US-77 Intersection; and Washington Street-Ash to Chestnut.) City Engineer, Christina Cook, stated that the City is not requesting any funding; only updating the plan. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the submission of the City Five-Year Plan to KDOT for federal-aid projects for the City's fiscal years 2009 through 2013 (projects included are US-77 at Rucker Road Intersection; K-18 and Spring Valley Road; Golden Belt Boulevard; Jackson Street at K-57; East Street; Lacy Road at US-77 Intersection; and Washington Street – Ash to Chestnut). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- q. The consideration and approval of **R-2524** authorizing the offering for sale of Taxable General Obligation Temporary Notes, Series 2008-D. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve R-2524 authorizing the offering for sale of Taxable General Obligation Temporary Notes, Series 2008-D. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person).

David Walker, 1800 Oakridge Drive, Junction City, KS stated that he was in attendance on behalf of Konza Construction. Konza is currently working on the Rucker Road project. To date, Konza has received \$53,000.00 of the \$1,233,000.00 for this project. He was wondering if the Commission could assist them so that they can get their subcontractors paid. They do not want to utilize their line of credit because they will have to pay interest. If they have to pay interest, they want to be reimbursement for that amount. City Engineer, Christina Cook, stated that the City has submitted all of the paperwork and is now waiting on KDOT for the reimbursement. The State is experiencing monetary issues and that is part of the delay. KDOT reviews each project line item by line item and it takes time for their review process. Ms. Cook contacts KDOT daily and will inquire about reimbursement for the contractors if they use their line of credit and have to pay interest.

Trevor McAdoo, Doo-It Paving Inc., Pratt, KS stated that his company is a subcontractor for Larkin Construction and Middlecreek Construction and his company is owed \$700,000.00. City Engineer, Christina Cook, stated that the City has submitted all of the paperwork and is now waiting on KDOT for the reimbursement. Ms. Cook has discussed this issue with USD 475 for payment and has been researching the problem. City Manager, Rod Barnes, stated that he will contact Deb Miller at the State.

John Muster, 2611 Valentine Lane, Junction City, KS stated that he is with Konza and he has spoken with Deb Miller about the reimbursement issues. Ms. Miller informed Mr. Muster that the City's application for reimbursement is at the top of the list and will be processed next. City Manager, Rod Barnes, stated that the City staff will research recouping the costs for interest payments when a line of credit must be used to cover expenses.

COMMISSIONER COMMENTS

Commissioner Heldstab congratulated the CVB on their work with the ESPN Bass Federation tournament. He also congratulated all of the volunteers who assisted with the Extreme Makeover project in Chapman.

Mayor Wunder wished the Junction City Blue Jays good luck in their game at Derby on Friday.

EXECUTIVE SESSION

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn into executive session at 8:39 p.m. to have discussions prior to acquisition of real estate. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, the City Manager, the Assistant City Manager, the City Attorney, and the City Engineer.

Commissioner Heldstab moved, seconded by Commissioner Rhodes to reconvene into regular session at 8:49 p.m. having made no decision nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 8:50 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 2nd DAY OF DECEMBER 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR NOVEMBER 18, 2008.



Tricia Gowen, City Clerk



Mick Wunder, Mayor